REMARKS

Claims 1-21 are pending in the present application.

I. There Is No "Same Invention" Double Patenting

In the Office Action, claims 1-11, 13-19, and 21 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-14 and 18-25 of co-pending Patent Application Serial No. 10/649,074.

In the response to the previous Office Action, Applicants argued that the structure of an interconnect for an attitude control device (as set forth in claim 1-14 and 18-24) is not necessarily the *same* as the structure of an interconnect that may be used with any location dependent device. For example, the interconnect for the attitude control device should be able to withstand the effects of launch and/or flight, which can be quite severe. Consequently, Applicants argued that devices may be found that infringe one set of claims but not the other set of claims. One set of claims is clearly broader than the other and therefore the two claim sets are not of the *same* scope.

In response to the above arguments, the Examiner alleges that the terms "location dependent device" and "attitude control device" are not "patentably distinct." Applicants respectfully submit that this is an incorrect standard for determining whether or not claims 1-11, 13-19, and 21 claim the *same* invention as that of claims 1-14 and 18-25 of co-pending Patent Application Serial No. 10/649,074. As conceded in the final Office action, the term "same invention," in this context, means an invention drawn to *identical* subject matter. (Emphasis Added) See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970). Applicants respectfully submit that in order to reject the pending claims under 35 U.S.C. § 101,

the claims must be *identical*. Simply alleging that the claims are not "patentably distinct" is insufficient to establish that the claims are directed to *identical* subject matter.

For at least the aforementioned reasons, Applicants respectfully submit that the Examiner has applied an improper standard in rejecting claims 1-11, 13-19, and 21 under 35 U.S.C. § 101. Applicants also submit that claims 1-11, 13-19, and 21 do not claim the same invention as claims 1-14 and 18-24 of co-pending Application No. 10/649,074 and request that the Examiner's rejections of these claims under 35 USC 101 be withdrawn.

II. Claims 1 and 8-12 Are Novel

In the Office Action, claims 1 and 8-12 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Rafert (U.S. Patent No. 6,497,659). The Examiner's rejections are respectfully traversed.

As discussed in the response to the previous Office Action, the device described by Rafert differs from the claimed invention in numerous ways. For example, Rafert does not teach or suggest that a sensor 10 is a location dependent device. Rafert is also completely silent with regard to any consequences of deploying and/or utilizing the sensor 10 in different physical locations. For another example, the capacitor 22 (or other electrical circuit) in the connector 20 does not provide a signal indicative of a physical location of the location dependent device when the location dependent device is installed. The capacitor 22 (or other electrical circuit) indicates that the sensor associated with the capacitor 22 (or other electrical circuit) is connected, but it provides no indication of the location of the sensor 10. For at least these reasons, Applicants argued that claims 1 and 8-12 are not anticipated by Rafert

In the Final Office Action, the Examiner notes that the capacitor 22 indicates that the connector associated with the sensor 10 is properly mated to a connector associated with the

electronic instrument 18. However, Applicants respectfully submit that no indication of the physical location of the sensor 10 is provided by determining whether the sensor 10 and electronic instrument 18 connectors are properly mated. To the contrary, the location of the sensor 10 relative to the electronic instrument 18 may vary even after the connectors have been mated. The range of possible locations of the sensor 10 may be limited only by the length and/or flexibility of the cable 12.

For at least this aforementioned reason, Applicants maintain that the present invention is not anticipated by Rafert and request that the Examiner's rejections of claims 1 and 8-12 under 35 U.S.C. 102(e) be withdrawn.

In the Office Action, claims 1, 13, and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Takagi (U.S. Patent No. 6,441,748). The Examiner's rejections are respectfully traversed.

Takagi describes a container 22 having connectors 14, a power bus 15, and a signal bus 16 to enable connection of sensor units 1 to external units. See Takagi, col. 2, line 35 – col. 3, line 5 and col. 4, ll. 27-32, as well as Figures 3-4 and 7. A differential global positioning system unit 20 may be disposed in a slot 17 of the container 22. The differential GPS unit 20 may provide wireless *transmission* of global positioning data and signals related to the road surface conditions as sensed by the sensor units 1. T

In the Final Office Action, the Examiner alleges that Takagi inherently describes contacts *within* the differential GPS unit 20 that are capable of providing a signal indicative of a physical location of the location dependent device when the location dependent device is installed, as set forth in claims 1 and 13.

Inherency in anticipation requires that the asserted proposition *necessarily* flow from the disclosure. *In re Oelrich*, 212 U.S.P.Q. (BNA) 323, 326 (C.C.P.A. 1981); *Levy*, 17 U.S.P.Q.2d (BNA) at 1463-64; *Skinner*, at 1789; *In re King*, 231 U.S.P.Q. (BNA) 136, 138 (Fed. Cir. 1986). It is not enough that a reference could have, should have, or would have been used as the claimed invention. "The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Oelrich*, at 326, quoting *Hansgirg v. Kemmer*, 40 U.S.P.Q. (BNA) 665, 667 (C.C.P.A. 1939); *In re Rijckaert*, 28 U.S.P.Q.2d (BNA) 1955, 1957 (Fed. Cir. 1993), quoting *Oelrich*, at 326; *see also Skinner*, at 1789. "Inherency... may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Ex parte Skinner*, 2 U.S.P.Q.2d (BNA) 1788, 1789 (Bd. Pat. App. & Int. 1987), citing *In re Oelrich*, 666 F.2d 578, 581 (C.C.P.A. 1981).

With regard to independent claim 1, Applicants respectfully submit that Takagi does not inherently describe or suggest a plurality of contacts *external* to the location dependent device and capable of providing a signal indicative of a physical location of a location dependent device when the location dependent device is installed. To the contrary, even the Examiner alleges that the differential GPS unit 20 described in Takagi transmits GPS signals using electrical components that are located *within* the differential GPS unit 20. See Final Office Action, page 5. Thus, Takagi fails to teach or suggest (either explicitly or inherently) a plurality of contacts *external* to the location dependent device and capable of providing a signal indicative of a physical location of the location dependent device when the location dependent device is installed, as set forth in claim 1

With regard to independent claim 13, Applicants respectfully submit that Takagi does not inherently describe or suggest a plurality of electrical contacts capable of providing a signal

indicative of a physical location of an interconnect *to* the location dependent device associated with the interconnect when the location dependent device is installed. To the contrary, Takagi teaches that the differential GPS units 20 provide wireless *transmission* of global positioning data and signals related to the road surface conditions. Applicants respectfully submit that the differential GPS units 20 transmits GPS signals to devices other than the sensor units 1 described by Takagi, Thus, Takagi fails to teach or suggest (either explicitly or inherently) a plurality of electrical contacts capable of providing a signal indicative of a physical location of an interconnect *to* the location dependent device associated with the interconnect when the location dependent device is installed, as set forth in claim 13.

For at least this aforementioned reason, Applicants respectfully submit that the present invention is not anticipated by Takagi and request that the Examiner's rejections of claims 1, 13, and 21 under 35 U.S.C. 102(b) be withdrawn.

In the Office Action, the Examiner rejected claims 1-6, 8, 11, 13-14, and 17-19 under 35 U.S.C. § 102(b) as allegedly being anticipated by Card (U.S. Patent No. 5,576,698). The Examiner's rejections are respectfully traversed.

The Examiner admits in the Final Office Action that Card does not use the term "physical location" but nevertheless alleges that Card indicates a physical location of the elements relative to each other. Applicants respectfully disagree. As discussed in the response to the previous Office Action, Card refers to a technique for indicating an address of a module connected to a bus using a plurality of pins as "physical addressing of modules." However, in the context of Card, "physical addressing of modules" refers to using a physical mechanism to determine a logical address. The address described by Card is a bus address and not an address indicating a physical location. Card is completely silent with regard to the physical location of the modules

coupled to the bus and the techniques described in Card do not indicate relative locations of elements. To the contrary, the device described by Card is only concerned with the logical address of the module and the physical location of the module is irrelevant. Card therefore fails to teach or suggest a plurality of contacts capable of providing a signal indicative of a physical location of the location dependent device when the location dependent device is installed, as set forth in claims 1 and 13.

For at least this aforementioned reason, Applicants respectfully submit that the present invention is not anticipated by Card and request that the Examiner's rejections of claims 1-6, 8, 11, 13-14, and 17-19 under 35 U.S.C. 102(b) be withdrawn.

CONCLUSION

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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